

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2227.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF BEER.

On September 21, 1912, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 casks, each containing 10 dozen bottles; 20 cases, each containing 3 dozen bottles; and 50 cases, each containing 4 dozen bottles, of beer, remaining unsold and in the original unbroken package, and in the possession of the Biederman Distilling Co., Paducah, Ky., alleging that the product had been shipped on August 5, 1912, by William Gerst Brewing Co., Nashville, Tenn., and transported from the State of Tennessee into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Extra Pale Export Beer, Dove Brand, The Brewery's Own Bottling, Gerst Bohemian Style, The William Gerst Brewing Co., Nashville, Tenn., Choicest Malt Choicest Hops."

Adulteration of the product was alleged in the libel for the reason that the words upon the label, "Bohemian Style" and "Choicest Malt Choicest Hops," indicated that the product was made exclusively from malt and hops, and was therefore entitled to bear the label "Bohemian Style," but, in truth and in fact, it was not made exclusively from malt and hops, but some starchy material and sugar had been substituted in part for malt in the manufacture of the product, and said starchy material and sugar had been mixed with the beer so as to injuriously affect its quality, and a valuable constituent of the product, to wit, malt, had been in part abstracted therefrom. Misbranding was alleged for the reason that the product bore a label and statement regarding it which was false and mis-

leading, to wit, the words "Extra Pale Export Beer," and "Bohemian Style," and "Choicest Malt Choicest Hops," which said statements and labels were false and misleading in that they represented the product to be beer made exclusively of malt and hops, whereas, in truth and in fact, a starchy material and sugar had been substituted in part for malt, in the manufacture of the product, and said product was misbranded, in that the words "Bohemian Style" indicated to the trade and the public generally that the product was made exclusively from malt and hops, whereas in truth and in fact it was an imitation of and offered for sale under the distinctive name of "Bohemian Style" of beer, a product manufactured exclusively of malt and hops.

On November 7, 1912, the said William Gerst Brewing Co., claimant, and the United States, having submitted the case to the court, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$400 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 18, 1913.*